

May 15, 2003

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are received and filed.

a.

Item	Page	-2003	(Comm. 8M-1)
ERIE COUNTY WATER AUTHORITY: Audited Financial Statements for Years Ended 2001 & 2002.			
(5-0)			

b.

AS AMENDED			
Item	Page	-2003	(Comm. 9D-1)
DEP: Memo Re: ECSD No. 3 Bond Resolution - \$500,000.			
(5-0)			

c.

Item	Page	-2003	(Comm. 9D-2)
DEP: SEQR – Negative Declaration Re: Bethlehem Park Rehab\Replacement.			
(5-0)			

d.

Item	Page	-2003	(Comm. 9D-3)
DPW: Status of Troy & Banks Contract.			
(5-0)			

e.

Item	Page	-2003	(Comm. 9D-12)
DPW: SEQR – Negative Declaration – Improvements to NY Route 325, Sheridan Drive at Kenmore Avenue.			
(5-0)			

f.

Item	Page	-2003	(Comm. 9E-43)
COUNTY EXECUTIVE: Erie County Southtowns Sewage Treatment Agency – Engineering Services Agreements.			
(5-0)			

g.

Item	Page	-2003	(Comm. 9E-52)
COUNTY EXECUTIVE: EC/ECSSTA Southtowns Advanced Wastewater Treatment Facility Energy Performance Program.			
(5-0)			

2.

AS AMENDED			
Item	Page	-2002	(Comm. 9E-19)
COUNTY EXECUTIVE			

WHEREAS, the Erie County Legislature had awarded Contract No. 6PS-A, General to Kandey Company, Inc., and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now complete; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 6PS-A, General in the amount of \$835,289.47 which includes Change Order No. 1 (final), a decrease of (\$7,710.53) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 6PS-A, General between the County of Erie and Kandey Company, Inc., 19 Ransier Drive, West Seneca, New York 14224, be accepted in the amount of \$835,289.47 which includes Change Order No. 1 (final), a decrease of (\$7,710.53); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 6PS-A, General between the County of Erie and Kandey Company, Inc. in the amount of \$835,289.47 and make final payment from Sewer Capital Account SD No. 5, Fund No. 430, Project No. 526, Project No. 534 and Project No. 798, and return the unused portion \$7,710.53 to Unallocated Account 891, Project No. 526, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and John S. Rizzo, Deputy Comptroller.

(5-0)

3. Item Page -2003 (Comm. 9D-8)

DEP

RESOLUTION NO. _____

RESOLUTION DATED _____, 2003.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT No. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) April 25 2003.

(Adopted) _____, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg; and

WHEREAS, the Village of Blasdell (the "Village") has on July 2, 1981 entered into a contract with the Agency to allow effluent discharged by the Village's treatment plant to enter the Agency's system; and

WHEREAS, the Agency and Village has on April 22, 2003 entered into an agreement whereby the Village shall transfer ownership of various sewer facilities to the Agency; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on October 31, 2002 and filed with the County Legislature pursuant to Section 268 of the County Law; and

Whereas, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District (Southtowns Sewage Treatment Agency), consisting of new sanitary sewer connections to intercept and transmit the sewage flows from the Village of Blasdell and its tributary service areas, such as, the Ford Motor Company and the various Town of Hamburg Sewer Districts, located east and south of the Village of Blasdell for final treatment and disposal at the Southtowns Wastewater Treatment Plant. Further that the Rush Creek Interceptor be constructed to convey the sewage from the District No. 3 Southwestern Pumping Station, along with the Town of Hamburg's Highland Acres', North Street, and Electric Avenue Pumping Station service areas, as well as, other areas of the Town of Hamburg and convey it to the Southtowns Northeast Interceptor, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$6,327,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor

Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 19th day of June, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 19th day of June, 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County.

The increase and improvement of such facilities consisting of new sanitary sewer connections to intercept and transmit the sewage flows from the Village of Blasdell and its tributary service areas, such as, the Ford Motor Company and the various Town of Hamburg Sewer Districts, located east and south of the Village of Blasdell for final treatment and disposal at the Southtowns Wastewater Treatment Plant. Further that the Rush Creek Interceptor be constructed to convey the sewage from the District No. 3 Southwestern Pumping Station, along with the Town of Hamburg's Highland Acres', North Street, and Electric Avenue Pumping Station service areas, as well as, other areas of the Town of Hamburg and convey it to the Southtowns Northeast Interceptor, all as more

fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of said District on October 31, 2002 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$6,327,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$11.48. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,

_____, 2003.

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK

By _____
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Amherst Bee" and in the "The Front Page", the official newspapers of said County, as well as the "Hamburg Sun", not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

4. Item Page -2003 (Comm. 9D-9)
DEP

RESOLUTION NO. ____
 RESOLUTION DATED _____, 2003.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) April 29 2003.

(Adopted) _____, 2003

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg; and

WHEREAS, the Village of Blasdell (the "Village") has on July 2, 1981 entered into a contract with the Agency to allow effluent discharged by the Village's treatment plant to enter the Agency's system; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the Southtowns Sewer Treatment Agency on April 24, 2003 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District(Southtowns Sewage Treatment Agency), consisting of the partial reconstruction of and construction of improvements, alterations and energy efficiency measures to the Southtowns Advanced Wastewater Treatment Facility, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,925,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 19th day of June 2003, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 19th day of June 2003, at 1:30 o'clock P.M., Prevailing Time, for the

purpose of conducting a public hearing upon a proposed increase and improvement of facilities of the Southtowns Advanced Wastewater Treatment Facility in said County.

The increase and improvement of such facilities consisting of the partial reconstruction of and construction of improvements, alterations and energy efficiency measures to the Southtowns Advanced Wastewater Treatment Facility, as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of the Southtowns Sewer Management Agency on April 24, 2003 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,925,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$6.50. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,
_____, 2003.

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK

By _____
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the “ Amherst Bee ” and in the “ Front Page ”, the official newspapers of said County and in “ Hamburg Sun ” a newspaper of general circulation, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

5. Item Page -2003 (Comm. 9E-29)

COUNTY EXECUTIVE

WHEREAS, the Erie County Law Department has successfully negotiated an out-of-court settlement with Paul J. Gallo Contracting, Inc. on a pending construction claim to Contract 22SA-G (the Contract); and

WHEREAS, payment to the Contractor in the total amount of the settlement will be made from the Law Department’s Risk Retention Fund; and

WHEREAS, the amount of \$5,600.00 of said total amount of the settlement represents a contribution from the County’s consulting engineer on the Project, Malcolm Pirnie, Inc. (MPI); and

WHEREAS, MPI has issued a credit memo to be applied to future engineering consulting services to be provided by it to Sewer District No. 6.

NOW, THEREFORE, BE IT

RESOLVED, that \$5,600.00 be transferred from Sewer Capital Account, Sewer District No. 6, Fund No. 430, Project No. 111, to the Erie County Law Department’s Risk Retention Fund (DAC 110961601832); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; the Director of Budget, Management and Finance; Gregory J. Dudek, Assistant County Attorney; and Nancy A. Naples, Erie County Comptroller.

(5-0)

6. Item Page -2003 (Comm. 9E-47)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need to retain an Engineer to complete engineering design services for the implementation of energy and cost savings measures at the Southtowns Advanced Wastewater Treatment Facility and at the pumping stations and treatment facilities within Erie County Sewer District Nos. 1, 3, 4, and 5; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the firm of Siemens Building Technologies, 85 Northpointe Parkway, Suite 8, Amherst, New York 14228.

NOW, THEREFORE, BE IT

RESOLVED, that the firm of Siemens Building Technologies, be retained at a cost not-to-exceed \$240,000; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of Siemens Building Technologies, 85 Northpointe Parkway, Suite 8, Amherst, New York 14228, to provide the needed services, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED that the Director of Budget, Management and Finance be directed to allocate funds accordingly, as follows:

- ECSD Nos. 1, 4, and 5 Fund Balance:
 - District No. 1 220 851 811 698 105 Use of Fund Balance \$7,000.
 - District No. 4 220 851 812 698 105 Use of Fund Balance \$12,000.
 - District No. 5 220 851 813 698 105 Use of Fund Balance \$1,000.
 - District Nos. 1, 4 & 5 220 851 810 830 Contractual Services \$20,000.
- ECSD No. 3 Holland Fund Balance
 - Holland 220 853 835 698 105 Use of Fund Balance \$500.
 - 220 853 830 830 Contractual Services \$500.
- Southtowns Treatment Agency Sewer Capital Account 430 915 \$219,500.

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Nancy Naples, County Comptroller, and one copy to Gregory Dudek, Assistant County Attorney.

(5-0)

7. Item Page -2003 (Comm. 9E-48)
 COUNTY EXECUTIVE

WHEREAS, the Erie County Sewer District No. 2 (ECSD No. 2) has identified the need to retain an engineering firm to provide services required for a disinfection system upgrade at the ECSD No. 2 Big Sister Creek Wastewater Treatment Plant (WWTP); and

WHEREAS, ECSD No. 2 and the Erie County Department of Environment and Planning, Division of Sewerage Management have recommended the firm of Stearns & Wheler, LLC, University Centre, 415 North French Road, Suite 100, Amherst, New York 14228, to perform the Engineering services for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of Stearns & Wheler, LLC, be retained at a cost not-to-exceed \$360,000.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of Stearns & Wheler, LLC, University Centre, 415 North French Road, Suite 100, Amherst, New York 14228, to provide the Engineering services required, subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED that the County Comptroller be authorized and directed to allocate \$360,000.00 from ECSD No. 2 Sewer Capital, Fund No. 430, Project No. 533, for payment of the Engineering services contained in the Agreement; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one (1) copy to Nancy Naples, Erie County Comptroller, and one (1) copy to Gregory Dudek, Assistant County Attorney.
(5-0)

8. Item Page -2003 (Comm. 9E-49)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Stearns & Wheler, LLC, to provide engineering services and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all engineering services are now complete, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Stearns & Wheler, LLC dated November 5, 1998 at the final contract amount of \$5,284.31.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement November 5, 1998 between the County of Erie/Erie County Sewer District No. 2 and Stearns & Wheler, LLC be formally closed-out in the final contract amount of \$5,284.31, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement between the County of Erie/Erie County Sewer District No.2 and Stearns & Wheler, LLC dated November 5, 1998, and be it further

RESOLVED, that the Clerk of Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Gregory Dudek, Assistant County Attorney and John S. Rizzo, Deputy Comptroller. (5-0)

9. Item Page -2003 (Comm. 9E-50)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Pratt & Huth Associates, LLP to provide engineering design services and general services during construction associated with the Farmington Woods and Hidden Oaks Pumping Station Elimination Contract in Erie County Sewer District No.5; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated September 24, 1998 with Pratt & Huth Associates, LLP at the final contract amount of \$85,748.56;

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated September 24, 1998, between the County of Erie and Pratt & Huth Associates, LLP be formally closed in the final amount of \$85,748.56; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated September 24, 1998, between the County of Erie and Pratt & Huth Associates, LLP and return the unused contract balance to unallocated account, Erie County Sewer District No.5 Fund No.430, Project 798; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and John Rizzo, Deputy Comptroller. (5-0)

10. Item Page -2003 (Comm. 9E-51)

COUNTY EXECUTIVE

WHEREAS, Erie County/ Erie County Southtowns Sewage Treatment Agency herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Southtowns Treatment Plant Energy Performance Program and identified as CWSRF Project No. 6647-05, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a

water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the CWSRF Act), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both.
4. That the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Gregory J. Dudek, Assistant County Attorney.
5. This Resolution shall take effect immediately.

(5-0)

11. Item Page -2003 (Comm. 9E-65)

COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2002-2003 snowmobile season in an amount not to exceed \$118,802.00, and

WHEREAS, the sum of \$1,000.00 is budgeted as a state revenue for snowmobile development in the 2003 Adopted Budget of the Division of Parks, and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$118,802.00 as pertains to snowmobile trail maintenance performed during the 2002-2003 snowmobile season, and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$111,548.00 for the purpose of snowmobile trail maintenance on club trails during the 2002-2003 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$10,640.50
Eden Trail Blazers Inc.	\$ 6,815.00
Grand Island Snowmobile Club Inc.	\$ 3,348.00
Hamburg Snowmobile Club Inc.	\$12,365.00
Holland Sno-Rascals Inc.	\$ 7,848.00

Marilla Sno-Mob Inc.	\$11,817.00
Northern Erie Snowseekers Inc.	\$15,676.00
Pioneer Sno-Surfers Inc.	\$ 7,037.50
Southern Tier Snowdrifters Inc.	\$16,772.00
WNY Snowmobile Club of Boston Inc.	\$19,229.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, project 942, dept. 640, account 553, in the amount of \$111,548.00, and an increase in appropriations in the amount of \$111,548.00, in the Division of Parks, fund 110, project 942, dept. 640, account 830, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of Snowmobile Clubs, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, and Assistant County Attorney, Greg Dudek, of the Law Department.
(5-0)

DALE W. LARSON
CHAIRMAN